Nova Scotia Human Rights Commission
Annual Accountability Report for the Fiscal Year 2011-2012

July 31, 2012

TABLE OF CONTENTS

Accountability Statement....1

Message From the Director and CEO....2

I. Introduction....3

II. Progress and Accomplishments....4

Strategic Goal 1....4

Strategic Goal 2....4

Strategic Goal 3....4

Strategic Goal 4....5

Strategic Goal 5....5

Strategic Goal 6....6

III. Financial Results....6

IV. Performance Measures....6

Priority #1: Access to a fair and effective process....7

Priority #2: Better informed public about indicators and impact of discrimination....10

Priority #3: Access to a fair and effective process (cost effective)....11

ACCOUNTABILITY STATEMENT

The accountability report of the Nova Scotia Human Rights Commission (NSHRC) for the year ending March 31, 2012 is prepared pursuant to the *Finance Act* and government policies and guidelines. These authorities require the reporting of outcomes against the NSHRC's Statement of Mandate information for the fiscal year 2011-2012. The reporting of outcomes necessarily includes estimates, judgments and opinions by NSHRC management.

We acknowledge that this accountability report is the responsibility of NSHRC management. The report is, to the extent possible, a complete and accurate representation of outcomes relative to the goals and priorities set out in the NSHRC's Statement of Mandate for the year.

Hon. Ross Landry
Minister Responsible for the *Human Rights Act*

David W. Shannon
Director and CEO NS Human Rights Commission

MESSAGE FROM THE DIRECTOR AND CEO

I am pleased to present the Accountability Report of the NSHRC for fiscal year 2011-2012. This report provides a summary of the NSHRC's accomplishments in fulfilling its commitments under the 2011-2012 Statement of Mandate.

The NSHRC takes the lead towards excellence and best practices in promoting and protecting human rights in this Province. Our commitment in this regard has seen the NSHRC make improvements in all facets of its strategic goals. The year 2011-2012 marked the final full year of the NSHRC's three year strategic plan. The six goals identified as part of the plan were well chosen. These goals were at the forefront of the Commissions daily work and provided both staff and our Commissioners with a road map for where we want to be as an organization. They presented a challenge to be sure, but articulated that challenge in a manner that allowed the NSHRC to direct its resources meaningfully.

There have been many accomplishments over the past fiscal year and these are highlighted in this report. One of the most dramatic is the introduction of the i3 program at the beginning of 2012. In addition to the i3 program we are pleased to announce that Board of Inquiry costs have seen significant reduction for another year. Human rights training has once again increased and employers have continued to respond positively to the Employment Equity Partnership initiative. Advances were made in relation to the Commission Consumer Racial Profiling project, which work should culminate in a significant report to be released in the fall of 2012. The NSHRC continued its dialogue with partners, stakeholders, government and Nova Scotians in general to promote inclusivity and equality for all. We provided very successful presentations to and events for the general public regarding discrimination of various kinds and in relation to equitable access to opportunities and services to all of our citizenry. All of these accomplishments support the strategic goals of the NSHRC.

My sincere thanks go to the staff, management and Commissioners for their commitment and hard work to ensure the best possible service to the public throughout this period.

We encourage you to review this report and learn more about the work of the NSHRC by exploring our website at www.gov.ns.ca/humanrights. We also welcome any suggestions or feedback you have on this report or more generally on the NSHRC's work.

Sincerely,

David W. Shannon
Director and CEO NS Human Rights Commission

I. INTRODUCTION

This document reports on the goals, priorities and performance measures identified in the NSHRC's 2011-2012 Statement of Mandate. The Statement of Mandate is available on the NSHRC's website at http://humanrights.gov.ns.ca/publications-reports-and-plans.

Throughout the year, the NSHRC maintained a diverse staff and continued its commitment to a positive and professional working environment. The NSHRC had a staff complement of 21 people working in three regions of the province: Halifax, Sydney, and Digby. There are three management positions, all located in the Halifax office.

It is important to note that there were a number of challenges and events that shaped the work of the NSHRC during the fiscal year primarily related to changes in NSHRC programs.

Major Program Changes

Beginning January 1, 2012 the NSHRC introduced a unique and innovative program entitled "i3" (Inquiry, Intake and Investigation). This is a new and exciting model for dispute resolution which approaches issues through a restorative practices lens. While it has not done away with the historic mediation based model nor with Boards of Inquiry, it has already dramatically reduced wait times, streamlined the process and increased the number of cases brought to a successful resolution.

Because the i3 program was only launched in the final quarter of the fiscal year that this report relates to, the reader will find some qualifications expressed in the performance measures section of this report as they relate to goals. This is because the i3 program represents a significant shift away from prior models and the modernity of it has meant that there is no actual base year for comparison. For the reasons expressed, reporting in relation to the i3 program is for the period January 1, 2012 through March 31, 2012.

Budget

The NSHRC had success in meeting its budget targets during 2011-2012 due to a reduction in Board of Inquiry hearings and staff absences. A Board of Inquiry is the final stage in the processing of a human rights complaint and a Board of Inquiry (that is, a hearing process) is run by an independently appointed Board of Inquiry Chair. The NSHRC pays all of the costs of the Board of Inquiry including room rental, transcription costs, travel expenses, and per diem fee for the Board of Inquiry Chair. The NSHRC has no control over the length and complexity of the process as this is within the control of the independent Board of Inquiry Chair. In this sense, it has no control over this budget expenditure although it is able to reduce the costs by, for example, renting cost effective space for the hearings.

The NSHRC's actual expenditures in fiscal year 2011-12 were $2,071,630 whereas the authority was $2,166,000.

II. PROGRESS AND ACCOMPLISHMENTS

In its 2011-2012 Statement of Mandate, the NSHRC confirmed six strategic goals under three new priorities. What follows are highlights of the major initiatives undertaken to achieve the priorities set by the NSHRC in support of these goals. The performance measures for the three priorities are reported in Section IV.

The six strategic goals are:

Strategic Goal 1. Continue to promote a workplace that is dynamic, embraces differences and fosters continuous learning.

In early 2012 the NSHRC employed the services of an outside consultant who brought first hand knowledge and experience in relation to the drafting of the UN Convention on the Rights of Persons with Disabilities. His work and experiences helped give practical understanding to the Commission staff with respect to disability related issues and accommodating differences.

Additionally, the background and circumstances of the NSHRC's new Director and CEO have helped broaden the perspective of the Commission's staff in relation to their ongoing human rights work.

Strategic Goal 2. Provide fair, easily accessible and cost effective services that are in accordance with the Nova Scotia *Human Rights Act.*

Human Rights Officers received extensive training in the NSHRC's i3 program which now offers much earlier resolution of complaints than ever before.

In May 2011 the NSHRC underwent a major web redesign providing better access, information and education to the public regarding human rights and the work of the Commission.

Staff members continue to participate in french language training during the fiscal year. As well, capacity was improved for French language services. Additionally, the NSHRC's Statement of Mandate and its other reports are being provided and published in both French and English.

Strategic Goal 3. Engage with racially visible people, women, Aboriginal people and persons with disabilities, to ensure their realities are reflected and celebrated in the work of the NSHRC.

The NSHRC remains actively involved in promoting human rights awareness across the Province by hosting and co-hosting various initiatives to raise public awareness on human rights. This year we celebrated our 4th annual symposium in collaboration with the Disabled Persons Commission and the Collaborative Partnership Network to recognize the

International Day for Persons with Disabilities (December 3rd). International Human Rights Day (December 10) was held in the immigrant community of Clayton Park and attracted over 480 participants. The NSHRC also recognized and celebrated the International Day for the Elimination of Racial Discrimination (March 21) in Halifax by hosting a major event at the Halifax Metro Centre on March 29 which focused on The UN Convention on the Rights of Persons with Disabilities. Particular attention was given to disability issues, especially as they relate to the Aboriginal and African Nova Scotian/Canadian communities.

The consultation committee created last year and consisting of past complainants and respondents continued to provide the NSHRC with input on an ongoing basis.

Strategic Goal 4. Strengthen existing partnerships while collaborating with organizations which share similar values to reduce systemic discrimination, and strengthen the ability of individuals and communities to address issues of discrimination.

In September 2011 the NSHRC launched a comprehensive research project concerning consumer racial profiling. We were pleased to partner with academics from Saint Mary's University. The project was vetted through the University's Ethics Committee thereby providing both professional and academic credence to the work. This is innovative work in the Province of Nova Scotia and we anticipate the results to be released in the fall of 2012.

Last year the NSHRC forged a new working relationship with Nova Scotia Correctional Services to raise awareness of human rights in the workplace and trained over 70 senior managers. This project was entitled "Your Rights, Everybody's Business". As a direct result of this work our Manager of Equity, Inclusion and Race Relations, Ms. Ann Divine, and the other members of the development team were awarded the 2011 Minister's Award for Exceptional Contribution to Correctional Services.

The Employment Equity Partnership initiative continues to build momentum with employers. The aim of the NSHRC is to create a tool kit for employers which addresses human rights in the workplace. Of significance is the employment equity work that the NSHRC has commenced in collaboration with the Irving Shipyard, a key player with respect to future employment prospects for Nova Scotians.

Additionally, the NSHRC works in partnership with and accepts student placements from our universities and businesses to enhance knowledge in the area of human rights.

Strategic Goal 5. Advise and assist the government of Nova Scotia in its goal of achieving equitable access to opportunities and services for every individual.

The NSHRC continues to be a active participant at the Public Service Commission's Diversity Roundtable to share expertise on human rights issues.

The NSHRC reported on its French Language Services Plan to the Office of Acadian Affairs.

Strategic Goal 6. Ensure people in all communities of Nova Scotia are engaged in meaningful discussion on human rights issues and diversity, to improve the lives of all Nova Scotians.

The NSHRC continues to work with diverse organizations to raise public awareness of human rights issues and their impact on our communities. This year our partners have included Immigrant Settlement & Integrated Services, African and Nova Scotian Affairs, the Collaborative Partnership Network, the Disabled Persons Commission, Partners for Human Rights, Transportation & Infrastructure Renewal, the Office of Acadian Affairs, the Office of Aboriginal Affairs and the African Canadian Prisoners Advocacy Coalition. Our organization has also partnered with such groups as the Office of Aboriginal Affairs and the Empowerment Connection to receive in-house training in order to strengthen our ability to deliver human rights services.

Additionally, the NSHRC met with First Nations leaders at Membertou Centre in March 2012 to commence dialogue and strengthen relationships between Nova Scotia's First Nations and government in the field of human rights.

III. FINANCIAL RESULTS

N.S. Human Rights Commission		
	2011-2012 Estimate ($ thousands)	2011-2012 Actual ($ thousands)
Gross Program Expense	2,166	2,071.6
Salaries and Employee Benefits	1,830	1,566.9
Funded Staff (FTEs)	24	20.8

IV. PERFORMANCE MEASURES

The measures in this report come from the NSHRC's 2011-2012 Statement of Mandate. The NSHRC has six strategic goals which are already listed on pages 6, 7 and 8 and were grouped under three priorities.

These priorities are as follows:

- Access to a fair and effective process

- Better informed public about indicators and impact of discrimination

- Access to a fair and effective process (cost effective)

Priority #1

Outcome: Access to a fair and effective process
Measures:

a) Average time to finalize a case at the intake stage after receipt of an Intake Questionnaire
b) Average time to finalize an investigation
c) Average time to finalize a settlement initiative (mediation) from the point of referral to final approval of an agreement
d) Average time to complete settlement follow-up on a case (training, policy work, etc.)
e) Percentage of Boards of Inquiry that are resolved after appointment of the Board of Inquiry and prior to the Board's decision being rendered
f) Average time (months) to resolve the complaint (settled or adjudicated) after referral to a Board of Inquiry

What do these measures tell us?

a) For the public to have confidence in the NSHRC's ability to resolve human rights disputes, the organization must be able to respond as quickly as possible when allegations are brought forward.

b) In many cases, time is of the essence. Although investigations must be thorough, they must also be timely so that the outcomes hold value for both the complainant and the respondent.

c) When alternative methods of dispute resolution are a viable option for resolving a dispute, it is important to quickly seize the opportunity. This measure reflects the NSHRC's ability to respond in a timely way to its clients.

d) Implementing the settlement follow up (e.g. human rights education training for employers resulting from settlement agreement) efficiently and effectively within 11 months of receipt of request, provides closure for parties and aids in preventing further cases of discrimination.

e) Calculating the number of complaints that are resolved after a referral to a Board of Inquiry will indicate settlement efficiency. The most effective resolutions occur where the parties provide input into the solution and control the outcome.

f) Calculating the average time to settle a complaint after referral to a Board of Inquiry allows a more refined measure of efficiency in achieving resolution.

Where are we now?

a) While for much of the fiscal year, the intake unit continued to function at reduced capacity (2/3 of its staffing complement) and this had obvious impacts on productivity, introduction of the i3 program assisted greatly in allowing the NSHRC to exceed expected outcomes. A redesigned intake process has been implemented with dramatic results. Where previously the intake process (deciding whether or not to accept a complaint and prepare the accompanying complaint form) took an average of approximately 8 months, that time frame is now drastically reduced. For the period January through March 2012, since the inception of i3, decisions on whether or not to accept a complaint are immediate, taking place at the time of intake and complaint forms are prepared within 14 days of intake. Perhaps most telling is that as of approximately November 2011 there was a backlog of approximately 120 intake packages. As of March 31, 2012 that backlog has been reduced to zero.

b) Last year's accountability report indicated an average of 22 months to investigate a complaint. This reflected the time-intensive approach then in use which approach was reviewed. Current outcomes regarding complaint investigation must be analysed for two different time periods, i.e., those complaints initiated prior to January 1, 2012 and those initiated after January 1, 2012.

For the former category, in light of the new directions being taken with the inception of the i3 program, both substantively and procedurally, priority was given to ensuring that older cases be brought to conclusion. Average time for finalization of investigations of these files has increase to approximately 30 months but this is reflective of the fact that all of the older files have been captured by the priority of seeing the file to final completion. The age of some of these files exceeded 7 years thus skewing the averages to some extent. On the positive side, all older cases are being attended to on a priority basis and it is expected that the average completion time will reduce significantly as more of these files are closed. Indicative of the priority placed on attending to these cases are the file closure statistics for the months January through March 2012. During this period, 24 files were closed, the oldest of which was 7 years.

For complaints that have been generated since January 1, 2012, average investigation times are much more encouraging. For "administrative investigations" (those that follow the older model previously employed in all cases) the average investigation time has decreased from 22 months to 6 months. The older model tends to be more document driven with time limits being required to be provided for responses, replies and rebuttals and the like. These cases account for less than 20% of all new files. For "resolution conference investigations" (those employing the new i3 techniques) the average investigation time has decreased from 22 months to 3 months.

c) The average time to finalize a settlement initiative from point of referral has decreased from 4 months to 1.8 months.

d) The performance target to do settlement follow-up in 11 months in 2011-2012 continues to be met.

e) The NSHRC continues in its efforts to reduce the number of matters heard by a Board of Inquiry. For those matters that are referred to a Board, settlement attempts continue to be employed in an effort to avoid the inevitable costs that invariably result from the litigious based processes associated with such cases. These costs are not only financial, to the NSHRC and the parties involved, but also can be emotional in nature for those who are affected. Of the 5 matters resolved at the Board of Inquiry level in 2011-12, all 5 were settled without having to go to full hearing resulting in relatively nominal cost to the NSHRC. As in fiscal year 2010-11 there were no new Boards of Inquiry that went to full hearing in 2011-2012.

f) The average time to settle a Board of Inquiry from the date of appointment of a Board of Inquiry was reduced to 6 months in 2011-12 from 11 months in 2010-11.

Where do we want to be in the future?

a) The intake redesign is now implemented as of January 2012. The intake function is now much more streamlined and the amount of time a file remains at intake has been significantly reduced, indeed it is substantially less than first anticipated.

b) In January 2012, a new approach to investigating complaints was adopted by the Commission. This has resulted in complaint investigations being completed within 3 or 6 months of being filed, depending on the nature of the process employed. Complaints already in the system prior to January 2012 have been given priority. As Human Rights Officers continue to implement the new policies and procedures, dispute resolution conferences and the restorative approach to human rights complaints will be employed more frequently. Settlement times are now being achieved in less than 2 months.

c) The NSHRC is moving away from mediation and toward resolution conferences.

d) The NSHRC will continue to create efficiencies in follow-up of settlements by empowering employers to use the Race Relations, Equity and Inclusion Division, as a resource for providing human rights education in their workplace.

e) The NSHRC will continue to settle most of the complaints that are referred to a Board of Inquiry. The Commissioners and Board of Inquiry chairs will receive training with respect to the restorative justice policies, procedures and approaches in the fall of 2012.

f) The average time to settle a complaint will continue to decrease as the older files in

the system are resolved.

Priority #2:

Outcome: Better informed public about indicators and impact of discrimination
Measures:

a) Percentage of satisfactory feedback received with respect to training and consultation requests
b) Increase the number of sustainable strategic partners

What do these measures tell us?

a) Increases in training and consultation requests directly result in more members of the public being informed about the impacts of discrimination and raises awareness which can bring about changes in attitudes.

b) The increase in number of sustainable strategic partners was used as a measure to determine whether the public was better informed about the impact of discrimination and how to eliminate barriers in their communities.

Where are we now?

a) The requests for voluntary human rights education and training for employers and community organizations continues to be strong. Evaluations from participants continue to be positive, with a satisfaction rate in excess of 85%. The NSHRC continues to respond to the public for education. The NSHRC has enjoyed marked success with its flagship 5 day training program entitled "Creating Cultural and Organizational Change" which is made available to our collaborative partners and stakeholders.

b) The NSHRC is the lead organization in Nova Scotia for the promotion and protection of all human rights. However, we recognize that we cannot succeed alone. Only through collaboration with strategic partners will the NSHRC be able to fulfill its mandate. During 2011-12 the NSHRC partnered with its existing strategic partners and developed collaborative relationships with several more to raise public awareness about human rights including Immigrant Settlement & Integrated Services, African and Nova Scotian Affairs, the Collaborative Partnership Network, the Disabled Persons Commission, Partners for Human Rights, Transportation & Infrastructure Renewal, the Office of Acadian Affairs, the Office of Aboriginal Affairs and the African Canadian Prisoners Advocacy Coalition. The Commission's partnership and work with the Irving Shipyard should prove to be fundamental with regard to employment equity. The NSHRC continues to develop working relationships with Nova Scotia's major employers and will be communicating the results of the consumer racial profiling work started on 2011-12 to employers this coming fall. Our work with the Employment Equity Partnership initiative continues as does our participation with the Public Service Commission's Diversity Roundtable.

Where do we want to be in the future?

a) The NSHRC will continue to enhance its support of our diverse communities through presentation of workshops, conference presentations, information sessions, display booths, and other special events.

b) The NSHRC will further develop the Employment Equity Partnership Project, and provide a toolkit for employers to support human rights in the workplace. It will also provide information for employers to increase their knowledge of the impact of systemic discrimination and the barriers to employment equity.

Priority #3:

Outcome: Access to a fair and effective process (cost effective)
Measures:
a) Reduction in average costs per mediation case
b) Reduction in average costs per day of Boards of Inquiry

What do these measures tell us?

a) Creating cost-effective mediation services allows for a better allocation of resources to other areas of the NSHRC. Efficient expenditure of financial resources allows more parties to benefit.

b) The measure for costs is average cost per day of a Board of Inquiry since it is a variable that can be controlled by the NSHRC. For example, costs of recording services and rooms for the inquiries are possible to control. The overall length of the inquiry and therefore its overall cost, however, cannot be dictated by the NSHRC.

Where are we now?

a) Prior to January 2012 Human Rights Officers (HRO) also mediated disputes which did aid in the reduction of costs per settlement. Since January, with the inception of the i3 program, resolution conferences are the preferred method of alternative dispute resolution and there is a move away from traditional mediation. While there are still files that track along the old method (approximately 20%) and therefore, mediation may be a viable alternative for those files, mediation costs have been reduced dramatically as a result of the implementation of the new processes. Currently, under the i3 program, HRO's are directly involved in resolution conferences. While there are costs associated with these methods such as labour expended on the file, these costs are now incurred "in house". The HRO's are inextricably involved in all aspects of the file including investigation, file management and resolution conferences. Therefore it is virtually impossible to separately quantify the costs associated with dispute resolution conferences as opposed to costs associated with outside mediators which are measured by invoice

receipts. For these reasons this is no longer viewed as a viable performance measure.

b) The NSHRC continues to optimize cost savings in relation to Boards of Inquiry through settlement processes. As all matters that were resolved at the Board of Inquiry level in 2011-12 were settled (100% settlement rate), cost savings were significant.

Where do we want to be in the future?

a) The new i3 program will continue to be implemented. It is anticipated that the number of files operating under the former processes will continue to decrease such that future mediation costs will be negligible.

b) The NSHRC will continue to advance its i3 program to settle those cases that need not employ a Board of Inquiry. In cases where this is necessary, our alternative dispute resolution process will continue to be employed. This restorative model will be expanded in the future to encompass as many Board of Inquiry cases as are possible, thus avoiding expensive hearings.

This accountability report provides a very brief overview of the work of the Nova Scotia Human Rights Commission. More information about our work is available by visiting our website at http://humanrights.gov.ns.ca/. Comments and feedback are also welcome. We can be reached by phone toll-free at 1-877-269-7699, and by e-mail at hrcinquiries@gov.ns.ca.